

REMARKS

The present Amendment is in response to the Office Action mailed September 7, 2007. By this Amendment claims 33-41 are withdrawn, leaving claims 1-32 as now pending for examination.

In the Office Action the claims have been restricted to two groups. Group 1 includes claims 1-32 and is characterized by the Examiner as “drawn to a method for making a tocopherol product comprising providing tocopheryl succinate, mixing with a binder to produce a mixture, spraying a liquid onto the mixture in a granulator, mixing the liquid with the mixture in the granulator and drying the resultant mixture.” Group II includes claims 33-41 and is characterized by the Examiner as being drawn to a tocopherol composition comprising a binder and a tocopheryl succinate substance. Applicants provisionally elect Group 1 for examination, subject to traverse as follows.

Applicants respectfully submit that the subject matter of claims 33-41 as sufficiently related to the remaining claims so that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. *See* MPEP §803 in which it is stated that “if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions” (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

The Examiner is therefore respectfully requested to reconsider and examine claims 1-32 and 33-41 concurrently.

In view of the foregoing, Applicant believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Any fees incident to this filing may be charged to Deposit Account No. 08-2665.

Dated this 7th day of December, 2007.

Respectfully submitted,

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